

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 805
INJURIOUS SPECIES

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AUTHORITY: Implementing and authorized by Sections 1-125, 1-150, 5-10, 10-100 and 20-90, and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 1-150, 5-10, 10-100, 20-90, and 20-100], and Sections 1.4, 1.10, 2.2, 2.3 and 3.22 of the Wildlife Code [520 ILCS 5/1.4, 1.10, 2.2, 2.3 and 3.22].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 14878, effective September 26, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 3369, effective February 14, 2003; amended at 29 Ill. Reg. 2280, effective May 1, 2005.

Section 805.10 Definition

Injurious Species are defined as those species listed in 50 CFR 16.11-15; except fish, eggs, or gametes of the family Salmonidae; and any other species as listed in this Part, based upon the potential threat to indigenous wildlife, aquatic life, or the habitat. For the purposes of this Part, Injurious Species shall include any live specimens, progeny thereof, viable eggs, or gametes.

Section 805.20 Listing of Injurious Species

a) Wild Mammals

*Flying fox or fruit bat of the genus *Pteropus*

*Mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Heroestes*

**Ichneumia*, *Munzos*, and *Suricata*

*Any species of European rabbit of the genus *Oryctolagus*

*Any species of Indian wild dog, red dog, or dhole of the genus *Cuon*

*Any species of multimammate rat or mouse of the genus *Mastomys*

*Raccoon dog, *Nyctereutes procyonoides*

b) Wild Birds

*Pink starling or rosy pastor, *Sturnus roseus*

*Dioch, *Quelea quelea*, including its black-fronted, red-billed or Sudan subspecies

*Java sparrow, *Padda oryzivora*

*Red-whiskered bul-bul, *Pycnonotus jocosus*

*Eggs of wild nongame birds

c) Fish, Mollusks and Crustaceans

*Snakeheads (including, but not limited to, all fishes of the genera *Channa* and *Parachanna*, and others of the family *Channidae*)

*Fish or viable eggs of the walking catfish, *Clariidae* family

*Mollusks, veligers or viable eggs of zebra mussels, genus *Dreissena*

*Crustaceans or viable eggs of mitten crabs, genus *Eriocheir*

River ruffe (*Gymnocephalus cernuus*)

Silver carp (*Hypophthalmichthys molitrix*)

Bighead carp (*Hypophthalmichthys nobilis*)

*Black carp (*Mylopharyngodon piceus*)

Gobies (round, tubenose) (*Neogobius melanostomus*, *Proterorhinus marmoratus*)

Rusty crayfish (*Orconectes rusticus*). Possession of living rusty crayfish is prohibited for all except the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

Rudd (*Scardinius erythrophthalmus*)

d) Amphibians

None

e) Reptiles

*Specimens or eggs of the brown tree snake, *Boiga irregularis*.

NOTE: Species noted by an asterisk (*) are federally listed.

(Source: Amended at 29 Ill. Reg. 2280, effective May 1, 2005)

Section 805.30 Unlawful Acts

- a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department
 - 1) Under no circumstances shall an interstate transporter:
 - A) transfer any injurious species from one container to another; nor
 - B) exchange or discharge from a container containing injurious species without first obtaining written permission from the Department:
 - i) water;
 - ii) bedding;
 - iii) soluble material; or
 - iv) insoluble material.
 - 2) The Department shall grant permission under subsection (a)(1)(B) only if:
 - A) it approves of the final disposition of the water, bedding, or material; and
 - B) the transporter satisfies the Department that there is no possibility of release into the environment.
- b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].
- c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).

(Source: Amended at 29 Ill. Reg. 2280, effective May 1, 2005)

Section 805.40 Permits

a) Application Requirements

Permits to transport/possess injurious species may be issued by the Department of Natural Resources in accordance with Section 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/20-100] and Sections 2.2 or 3.22 of the Wildlife Code [520 ILCS 5/2.2 or 3.22], for zoological, educational, medical, or scientific purposes, under the following provisions:

- 1) Educational, medical or research institutions, or zoological exhibitions wishing to transport/possess injurious species must make application to the Department in writing, on forms provided by the Department, at the following address:

Illinois Department of Natural Resources
Office of Resource Conservation
One Natural Resources Way
Springfield, IL 62702-1271

- 2) Applications must contain the following minimum information:

- A) Name and address of educational, medical or research institution, or zoological exhibition;
- B) Name, address, and position of person making application;
- C) Number of specimens and the common and scientific names of each species for which permit is requested;
- D) Explanation of the exhibition, or educational, medical or research project necessitating need for injurious species permit;
- E) A statement of the applicant's qualifications and previous experience in caring for and handling captive wildlife or aquatic life;
- F) Time period for which permit is requested;
- G) Location and description of facilities in which species will be kept; and
- H) Any other information as requested by the Department, e.g., purpose of research, supplier of animals, disposition of animals and federal permit, if required.

b) Issuance Criteria

The Department shall consider the following in determining whether to issue a permit to transport/possess injurious species for zoological, educational, medical, or

scientific purposes:

- 1) Whether the request is for a bonafide educational, medical, research or zoological exhibition purpose;
- 2) Whether the facilities for holding the specimens have been inspected and approved by the Department prior to issuance of an injurious species permit. Facilities must be constructed and maintained to prevent escape of all life stages of the specimens;
- 3) Whether the applicant is aware of the potential dangers to public interest posed by the injurious species; and who, by reason of his/her knowledge, experience, and facilities, can be expected to provide adequate protection to the public interests; and
- 4) If permit application is for zoological exhibition purposes, whether the exhibit or display will be open to the public during regular, appropriate hours.

c) Permit Conditions

Permits issued for the transportation/possession of injurious species shall be subject to the following conditions:

- 1) All specimens and progeny thereof approved under the permit must be confined in the facilities and at the location approved on the permit.
- 2) Disposition of the specimens (including conditions under which they may be sold, traded, bartered or transferred to another permitted exhibition or institution) shall be as designated by the Department.
- 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit.
- 4) All permit holders shall file with the Department, no later than 30 days after the expiration of the permit, a report documenting disposition of all specimens.
- 5) In the event of escape or unintentional release of specimens, or progeny thereof, authorized under the permit, permittees shall notify the Department by telephone (1-877-236-7529, toll-free) or other expedient means within 24 hours following the escape unless specifically exempted by the Department in writing.
- 6) Before any person shall import/export any federally listed injurious species, a permit must first be obtained in accordance with the provisions of 50 CFR 16.22.

Section 805.50 Penalties

- a) Violations of Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/20-90] and associated administrative rules are business offenses, punishable by a fine of not less than \$1,000 or more than \$5,000.
- b) Violations of Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 and 20-100], and Sections 2.2 and 3.22 of the Wildlife Code [520 ILCS 5/2.2 and 3.22] are petty offenses, punishable by a fine of up to \$1,000.
- c) Any violations of the Fish and Aquatic Life Code [515 ILCS 5], Wildlife Code [520 ILCS 5], or administrative rules of the Department may result in the revocation of licenses and permits, and the suspension of privileges pursuant to 17 Ill. Adm. Code 2530.